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REMARKS

Claims 1-15 are pending in this application.

The applicants respectfully request the admittance of this amendment, to place the claims in a better condition for allowance or appeal. The changes are substantially grammatical in nature, and the applicants respectfully suggest that this amendment adds no new matter, and does not require an additional search.

The Office action rejects claims 1-15 under 35 U.S.C. 102(e) over Kocher et al. (USP 6,640,305, hereinafter Kocher). The applicants respectfully traverse this rejection.

Claim 1, upon which claims 2-13 depends, claims a method of *attacking* a screening algorithm by partitioning content material into sections having a duration that is less than a threshold duration value assigned by the screening algorithm.

In like manner, claim 14 claims an apparatus for attacking a screening algorithm comprising a processing device that partitions content into sections having a duration that is less than a threshold duration value assigned by the screening algorithm, and claim 15 claims an article of manufacture that, when executed, partitions content into sections having a duration that is less than a threshold duration value assigned by the screening algorithm.

The Examiner's attention is requested to MPEP 2111:

"During patent examination, the pending claims must be given their broadest reasonable interpretation *consistent with the specification. In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000)." And, "The broadest reasonable interpretation of the claims must also be *consistent* with the interpretation that those skilled in the art would reach. *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999)." (Emphasis added.)

The applicants teach and claim a method, apparatus, and article of manufacture for *attacking* a screening algorithm by partitioning content material into sections having a duration less than the threshold duration of the screening algorithm. As defined in the applicants' specification, the threshold duration of the screening algorithm is the minimum duration required for the screening algorithm to determine whether the material is protected, such as the time required to detect a watermark in the material. (Applicants'

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page 7, line 20 through page 8, line 7.) The applicants further note that the term 'threshold' as used in the applicants' specification and claims is consistent with the conventional use of the term to define a minimum value required for a system or method to work properly.

The applicants respectfully maintain that the Examiner's reading of Kocher on the applicants' claimed invention is not consistent with the applicants' specification, and is not consistent with the interpretation that those skilled in the art would reach.

Kocher teaches a system and method for *protecting* content material, and not for *attacking* a protection system, as taught and claimed by the applicants. Kocher specifically recites: "The present invention relates to systems for distributing digital content, and more specifically to methods and apparatuses for *improving the security* for distributing digital content" (Kocher column 1, lines 10-13).

As the Examiner notes, Kocher teaches, for example, setting a *maximum duration* for the use of access keys. The applicants, on the other hand, teach the determination of a *minimum duration* of a protection scheme, below which the system and method for protecting the content material is ineffective.

The applicants respectfully maintain that Kocher's maximum key duration cannot be said to correspond to the applicants' claimed threshold duration value, as the term threshold duration is defined in the applicants' specification, and as the term 'threshold' is commonly used in the art.

The inconsistency of Kocher's maximum key duration and the applicants' claimed threshold duration value is further apparent with regard to the applicants' dependent claims. Regarding claim 7, for example, the Examiner asserts that content providers can set the maximum duration to a range of .1 to 1.5 seconds. The applicants respectfully maintain that setting a key's maximum duration to a few seconds would render Kocher's invention unsuitable for its intended purpose, because the typical use of a key to unlock protected content material in Kocher consumes more than a few seconds, and managing keys that are valid for only a few seconds would be administratively infeasible.

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The Examiner's attention is also requested to MPEP 2131, wherein it is stated:

"A claim is anticipated only if *each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The *identical invention* must be shown in as *complete detail* as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)." (Emphasis added.)

Kocher does not teach partitioning the content material into sections based on Kocher's maximum key duration. Kocher is silent with regard to partitioning the content material, and thus cannot be said to teach partitioning content material into sections having a duration less than a threshold duration of a screening algorithm, and, with regard to claim 7, cannot be said to teach such durations being a few seconds long.

With regard to other of the applicants' dependent claims, the applicants respectfully note that Kocher does not teach using an SDMI screening algorithm (claim 2), does not teach sampling data within the content (claim 3), does not teach reassembling the partitioned sections (claim 6), does not teach subjecting one section of the content at a time to the screening algorithm (claim 8), does not teach determining whether all of the sections have been passed through the screening algorithm (claim 9), does not teach combining sections of the content into groups (claim 10), does not teach randomly combining sections into groups (claim 11), does not teach shuffling the sections of the content (claim 12), and does not teach creating a table of contents relating to the order of the sections (claim 13).

Because Kocher does not teach a method, apparatus, or article of manufacture for attacking a screening algorithm by partitioning content material into sections having a duration less than the threshold duration of the screening algorithm, the applicants respectfully request the Examiner's reconsideration of the rejection of claims 1-15 under 35 U.S.C. 102(e) over Kocher.

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      In view of the foregoing, the applicants respectfully request that the Examiner withdraw the rejections of record, allow all the pending claims, and find the present application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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804-493-0707

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